

STATE OF TENNESSEE
PUBLIC CHAPTER NO. 407
SENATE BILL NO. 1909

By Norris

Substituted for: House Bill No. 1500

By Fitzhugh, Casada, Eldridge

AN ACT to amend Tennessee Code Annotated, Section 50-6-110, relative to workers' compensation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 50-6-110, is amended by deleting subsection (a) in its entirety and substituting instead the following:

(a) No compensation shall be allowed for an injury or death due to:

- (1) The employee's willful misconduct;
- (2) The employee's intentional self-inflicted injury;
- (3) The employee's intoxication or illegal drug usage;
- (4) The employee's willful failure or refusal to use a safety device;
- (5) The employee's willful failure to perform a duty required by law;
- (6) The employee's voluntary participation in recreational, social, athletic, or exercise activities (including, but not limited to, athletic events, competitions, parties, picnics, exercise programs) whether or not the employer pays some or all of the costs thereof unless:

(A) Participation was expressly or impliedly required by the employer; or

(B) Participation produced a direct benefit to the employer beyond improvement in employee health and morale; or

(C) Participation was during employee's work hours and was part of the employee's work-related duties; or

(D) The injury occurred due to an unsafe condition during voluntary participation using facilities designated by, furnished by or maintained by the employer on or off the employer's premises and the employer had actual knowledge of the unsafe condition

and failed to curtail the activity or program or cure the unsafe condition.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

PASSED: May 26, 2009



RON RAMSEY
SPEAKER OF THE SENATE



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 11th day of June 2009



PHIL BREDESEN, GOVERNOR